

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LORRAINE McDANIELS,

Plaintiff,

v.

STATE OF NEVADA, ex rel., its  
DEPARTMENT OF MOTOR VEHICLES &  
PUBLIC SAFETY, a governmental entity,

Defendant.

3:10-CV-00665-LRH-VPC

ORDER

Before the Court is Defendant State of Nevada *ex rel.* its Department of Motor Vehicles and Public Safety's ("DMV") Motion for Attorney's Fees and Costs. Doc. #38.<sup>1</sup> Plaintiff Lorraine McDaniels ("McDaniels") did not file a Response.

Pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Rule 54-16, a motion for attorney's fees must be filed within fourteen (14) days after entry of final judgment. Here, DMV's Motion for Attorney's Fees is untimely and must be denied. Final judgment was entered on July 2, 2013, (Doc. #37) and the present motion was not filed until July 19, 2013, seventeen (17) days later (Doc. #38). Moreover, Federal Rule of Civil Procedure 6(d) does not apply to extend this filing time by three (3) days. *See Holmes v. Merck & Co., Inc.*, No. 2:04-CV-00608, 2008 WL 4791042, at \*2 (D. Nev. Oct. 29, 2008) (concluding that "Rule 6(d) [sic] does not apply when the time for

<sup>1</sup> Refers to the Court's docket number.

1 acting is designated from the ‘entry of judgment’ as opposed to the ‘service of notice’ by mail”)  
2 (citing *Kyle v. Campbell Soup Co.*, 28 F.3d 928, 929-30 (9th Cir. 1994)). Accordingly, DMV’s  
3 Motion for Attorney’s Fees is untimely.

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5 IT IS THEREFORE ORDERED that DMV’s Motion for Attorney’s Fees (Doc. #38) is  
6 DENIED.

7 IT IS SO ORDERED.

8 DATED this 18<sup>th</sup> day of October, 2013.

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11 LARRY R. HICKS  
12 UNITED STATES DISTRICT JUDGE  
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